

Form PTO-1449

DEC 9 9 2005

**INFORMATION DISCLOSURE CITATION  
IN AN APPLICATION**  
 (Use several sheets if necessary)
Docket No.: 17493CIP(BOT)  
D-3138CIP

Application No.: 10/663,041

Applicant: Lisa D. Hanin

Filing Date: 09/15/2003

Group Art Unit: 3738

**U. S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>[initials]</i>	3,689,668	09/1972	Piette et al.			
<i>[initials]</i>	4,758,730	07/1988	Bazin et al.			
<i>[initials]</i>	4,997,657	03/1991	Horrobin et al.			
<i>[initials]</i>	5,437,291	08/1995	Pasricha et al.			
<i>[initials]</i>	5,670,484	09/1997	Binder			
<i>[initials]</i>	5,714,468	02/1998	Binder			
<i>[initials]</i>	5,766,606	06/1998	Brady			
<i>[initials]</i>	5,989,545	11/1999	Foster et al.			
<i>[initials]</i>	6,063,768	05/2000	First			
<i>[initials]</i>	6,113,915	09/2000	Aoki et al.			
<i>[initials]</i>	6,139,845	10/2000	Donovan			
<i>[initials]</i>	6,143,306	11/2000	Donovan			
<i>[initials]</i>	6,261,572 B1	07/2001	Donovan			
<i>[initials]</i>	6,265,379 B1	07/2001	Donovan			

**FOREIGN PATENT DOCUMENTS**

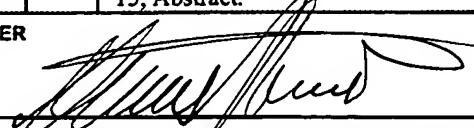
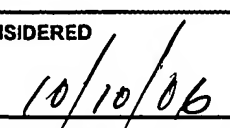
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<i>[initials]</i>	WO 96/33273	10/1996	PCT				
<i>[initials]</i>	WO 98/07864	02/1998	PCT				
<i>[initials]</i>	WO 99/03483	01/1999	PCT				
<i>[initials]</i>	WO 99/17806	04/1999	PCT				
<i>[initials]</i>	WO 00/10598	03/2000	PCT				
<i>[initials]</i>	WO 00/15245	03/2000	PCT				
<i>[initials]</i>	WO 00/24419	05/2000	PCT				
<i>[initials]</i>	WO 00/57897	10/2000	PCT				



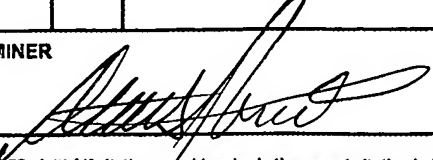
**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

EXAMINER

DATE CONSIDERED

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 Include copy of this form with next communication to the applicant.

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<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b> <small>(Use several sheets if necessary)</small>		Applicant: Lisa D. Hanlin				
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<b>U. S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
						YES NO
✱	WO 00/62746	10/2000	PCT			
1	WO 00/74703 A2	12/2000	PCT			
✱	WO 01/21213 A2	03/2001	PCT			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
✱	AA	Aoki, R., et al., Preclinical update on BOTOX® (botulinum toxin type A)-purified neurotoxin complex relative to other botulinum neurotoxin preparations, <i>European Journal of Neurology</i> , 1999 6(supp 4): S3-S10.				
	AB	Brach, Jennifer S. et al., Measuring Fatigue Related to Facial Muscle Function, <i>Arch Phys Med Rehabil</i> , Vol 76, Oct. 1995, pp 95-98.				
	AC	Carruthers, J. et al., Treatment of Glabellar Frown Lines with C. Botulinum-A Exotoxin, <i>J. Dermatol Surg Oncol</i> , 1992 Jan; 18(1):17-21.				
	AD	Corcuff, P. et al., Skin relief and aging, <i>J. Soc. Cosmet. Chem</i> , 34, (July 1983), pp 177-190.				
	AE	Doggweiler, R., Botulinum toxin type a causes diffuse and highly selective atrophy of rat prostate, <i>Neurorol Urolyn</i> , 1998; 17(4):363.				
	AF	Dressler, D. et al., Electromyographic Quantification of the Paralyzing Effect of Botulinum Toxin in the Sternocleidomastoid Muscle, <i>European Neurology</i> , 2000; 43, pp 13-16.				
	AG	Fauci, Anthony et al., <i>Harrison's Principles of Internal Medicine</i> , 14 <sup>th</sup> Edition, 1998 by McGraw Hill.				
	AH	Fridlund, Alan, et al., Guidelines for Human Electromyographic Research, <i>The Society for Psychophysiological Research, Inc.</i> , Vol. 23, No. 5, 1986, pp 567-589.				
	AI	Grove, Gary L. et al., Objective Methods for Assessing Skin Surface Topography Noninvasively, <i>Cutaneous Investigation in Health and Disease</i> , 1989 by Marcel Dekker, Inc., Chapter One, pp 1-32.				
	AJ	Grove, Gary L. et al., Skin replica analysis of photodamaged skin after therapy with tretinoin emollient cream, <i>Journal of the American Academy of Dermatology</i> , Vol. 25, No 2, Part 1, Aug 1991, pp 231-237.				
	AK	Heckmann, Marc, et al., Quantification of the efficacy of botulinum toxin type A by digital image analysis, <i>J Am Acad Dermatol</i> , 2001, 45, pp 508-514, Published online 5/23/2001, pp 1-7.				
✱	AL	Johnson, Eric A., Biomedical Aspects of Botulinum Toxin, <i>J. Toxicol Toxin Reviews</i> , 18(1) 1999, pp 1-15, Abstract.				
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		Filing Date: 09/15/2003		Group Art Unit: 3738		
<b>U. S. PATENT DOCUMENTS</b>						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<b>FOREIGN PATENT DOCUMENTS</b>						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
	AM	Leyden, James J., et al., Treatment of photodamaged facial skin with topical tretinoin, <i>Journal of the American Academy of Dermatology</i> , Vol 21, No. 3, Part 2, 9/1989, pp 638-644.				
1	AN	Pennock, Jennifer D., et al., Relationship between Muscle Activity of the Frontalis and the Associated Brow Displacement, <i>Plast Reconstr Surg</i> , 1999 Nov, 104(6) pp 1789-1787.				
	AO	Senior, M.A., Botox and the management of pectoral spasm after subpectoral implant insertion, <i>Plast. Reconstr. Surg</i> , 2000 July; 106(1) pp 224-225.				
	AP	Tassinari, Louis G., et al., A Psychometric Study of Surface Electrode Placements for Facial Electromyographic Recording: I. The Brow and Cheek Muscle Regions, <i>Psychophysiology</i> , 1989, Vol 26, No. 1, pp 1-16, Abstract.				
	AQ	Van Boxtel, A., et al., Amplitude and Bandwidth of the Frontalis Surface EMG: Effects of Electrode parameters, <i>Psychophysiology</i> , 1984, Vol 21, No 6, pp 699-707, Abstract.				
	AR	Vitti, Mathias, et al., Electromyographic Investigation of Procerus and Frontalis Muscles, <i>Electromyogr Clin Neurophysiol</i> , 1976, 16, pp 227-236.				
	AS	Blitzer et al., (Journal abstract from the Archives of Otolaryngology – Head & Neck Surgery 1997 Apr; 123(4): 389-92).				
	AT	Guerrissi, J.O., Injection of botulinum toxin A into orbicularis oculi muscle for the treatment of crow's feet, and the discussion thereof, <i>Plastic and reconstructive surgery</i> (United States) May 2000, 105(6) (2219-2228).				
	AU	Pribitkin et al., (Journal abstract from the Archives of Otolaryngology – Head & Neck Surgery 1997 Apr; 123(4): 321-26).				
	AW	Ascher et al., "Botulinum Toxin in the Treatment of Frontoglabellar and Periorbital Wrinkles", Preliminary Study, <i>Annales de Chirurgie Plastique et Esthetique</i> , 1995 Feb; 40(1): 67-76, Translated from French by the McElroy Translation Company.				
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		10/10/00				
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**LIST OF ART CITED BY APPLICANT**

ATTY. DOCKET: 17493CIP1 (BOT)	SERIAL NO.: Pending
APPLICANT: LISA D. HANIN	TITLE: SURFACE TOPOGRAPHY METHOD FOR DETERMINING EFFECT OF A BOTULINUM TOXIN UPON A MUSCLE
FILING DATE: herewith	GROUP: 3738 (parent appl.)

**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE (if applicable)
TJS	AA	5,183,462	2/2/93	Borodic			
	AB						
	AK						

**FOREIGN PATENT DOCUMENTS**

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION (yes/no)
	BA						No

**OTHER ART**

(Including Author, Title, Date, Pertinent Pages, etc.)

TJS	CA	Guerrissi, Jorge, et al., Local Injection into Mimetic Muscles of Botulinum Toxin A for the Treatment of Facial Lines, <i>Annals of Plastic Surgery</i> , Vol 39, No 5, Nov 1997, pp 447-453
TJS	CB	Hamjian, J.A., et al., Serial Neurophysiological Studies of Intramuscular Botulinum-A toxin in Humans, Muscle & Nerve, December 1994 pgs. 1385-1392
TJS	CC	Koman, L.A., et al., Spasticity Associated with Cerebral Palsy in Children, Therapy in Practice, <i>Pediatr Drugs</i> , 2003
	CD	
	CE	
	CF	
	CG	
	CH	
	CI	

EXAMINER /Thomas J Sweet/ (10/10/2006) DATE CONSIDERED \_\_\_\_\_

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LIST OF ART CITED BY APPLICANT

ATTY. DOCKET: 17493 (BOT)	SERIAL NO.: 10/099,602
APPLICANT: LISA D. HANIN	TITLE: METHOD FOR DETERMINING EFFECT OF A CLOSTRIDIAL TOXIN UPON A MUSCLE
FILING DATE: March 14, 2002	GROUP: 3739

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE (if applicable)
<i>[Handwritten Initials]</i>	AA	5,437,291	8/1/95	Pasricha, et al.			
	AB	5,670,484	9/23/97	Binder			
	AC	5,714,468	2/3/98	Binder			
	AD	5,766,606	6/16/98	Brady			
	AE	5,989,545	11/23/99	Foster, et al.			
	AF	6,063,768	5/16/00	First			
	AG	6,113,915	9/5/00	Aoki, et al.			
	AH	6,139,845	10/31/00	Donovan			
	AI	6,143,306	11/7/00	Donovan			
	AJ	6,261,572 B1	7/17/01	Donovan			
	AK	6,265,379 B1	7/24/01	Donovan			

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		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATI ON (yes/no)
	BA	DE19852981 A1	5/18/00	Germany			No
<i>[Handwritten Initials]</i>	BB	WO 96/33273	10/24/96	PCT			
	BC	WO 98/07864	2/26/98	PCT			
	BD	WO 99/03483	1/28/99	PCT			
	BE	WO 99/17806	4/15/99	PCT			
	BF	WO 00/10598	3/2/00	PCT			
	BG	WO 00/15245	3/23/00	PCT			
	BH	WO 00/24419	5/4/00	PCT			
	BI	WO 00/57897	10/5/00	PCT			
	BJ	WO 00/62746	10/26/00	PCT			
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<i>[Handwritten Initials]</i>	BL	WO 01/21213 A2	3/29/01	PCT			

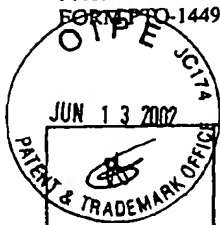
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*[Handwritten Signature]*

DATE CONSIDERED

*[Handwritten Date: 10/29/02]*

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OTHER ART

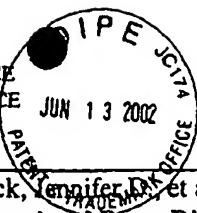
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CA	Aoki, R., et al., Preclinical update on BOTOX® (botulinum toxin type A)-purified neurotoxin complex relative to other botulinum neurotoxin preparations, <u>European Journal of Neurology</u> , 1999 6 (suppl 4): S3-S10
CB	Brach, Jennifer S. et al., Measuring Fatigue Related to Facial Muscle Function, <u>Arch Phys Med Rehabil</u> , Vol 76, Oct. 1995, pp 95-98
CC	Carruthers, J. et al, Treatment of Glabellar Frown Lines with C. Botulinum -A Exotoxin, <u>J. Dermatol Surg Oncol</u> , 1992 Jan; 18(1):17-21
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CG	Fauci, Anthony et al., <u>Harrison's Principles of Internal Medicine</u> , 14 <sup>th</sup> Edition, 1998 by McGraw Hill
CH	Fridlund, Alan, et al., Guidelines for Human Electromyographic Research, <u>The Society for Psychophysiological Research, Inc.</u> , Vol 23, No 5, 1986, pp 567-589
CI	Grove, Gary L. et al., Objective Methods for Assessing Skin Surface Topography Noninvasively, <u>Cutaneous Investigation in Health and Disease</u> , 1989 by Marcel Dekker, Inc., Chapter One, pp 1-32
CJ	Grove, Gary L. et al., Skin replica analysis of photodamaged skin after therapy with tretinoin emollient cream, <u>Journal of the American Academy of Dermatology</u> , Vol 25, No 2, Part 1, Aug 1991, pp 231-237
CK	Guerrissi, Jorge, et al., Local Injection into Mimetic Muscles of Botulinum Toxin A for the Treatment of Facial Lines, <u>Annals of Plastic Surgery</u> , Vol 39, No 5, Nov 1997, pp 447-453
CL	Heckmann, Marc, et al., Quantification of the efficacy of botulinum toxin type A by digital image analysis, <u>J Am Acad Dermatol</u> , 2001, 45, PP 508-514, Published online 5/23/2001, pp 1-7
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	CO	Pennock, Jennifer, et al., Relationship between Muscle Activity of the Frontalis and the Associated Brow Displacement, <i>Plast Reconstr Surg</i> , 1999 Nov, 104 (6) pp 1789-1787
	CP	Senior, M.A., Botox and the management of pectoral spasm after subpectoral implant insertion, <i>Plast. Reconstr. Surg</i> 2000 July; 106,(1) pp. 224-225
	CQ	Tassinary, Louis G., et al., A Psychometric Study of Surface Electrode Placements for Facial Electromyographic Recording: I. The Brow and Cheek Muscle Regions, <i>Psychophysiology</i> , 1989, Vol 26, No 1, pp 1-16, Abstract
	CR	Van Boxtel, A., et al., Amplitude and Bandwidth of the Frontalis Surface EMG: Effects of Electrode parameters, <i>Psychophysiology</i> , 1984, Vol 21, No 6, pp 699-707, Abstract
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<b>Notic of References Cited</b>	Application/Control No. 10/099,602	Applicant(s)/Patent Under Reexamination HANIN, LISA D.	
	Examiner Thomas J Sweet	Art Unit 3738	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	<del>Guerrissi et al (Journal article from the Annals of Plastic Surgery 1997 39/5 (447-453))</del> →
	V	<del>J. O Guerrissi, injection of botulinum toxin A into orbicularis oculi muscle for the treatment of crow's feet and the discussion thereof, Plastic and reconstructive surgery (United States) May 2000, 105 (6) (2219-2228)</del> →
	W	
	X	/Thomas J Sweet/ (10/10/2006)

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.



# **Notice of References Cited**

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Art Unit

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Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US 4,758,730	07-1988	Bazin et al.	250/550.2
	B	US 3,089,000	09-1972	Emile Leon Picotte et al.	544/565
	C	US 4,997,657	03-1991	Horrobin et al.	424/404
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

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	N					
	O					
	P					
	Q					
	R					
	S					
	T					

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	V	Pribitkin et al (Journal abstract from the Archives of Otolaryngology - Head & Neck Surgery 1997 Apr; 123(4): 321-26)
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